

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Enrique Seoane-Vazquez,	:	
	:	
Plaintiff	:	Civil Action 2:10-cv-0622
	:	
v.	:	
	:	
The Ohio State University,	:	Magistrate Judge Abel
	:	
Defendant	:	

**ORDER**

This matter is before the court on plaintiff's February 3, 2012 motion for me to recuse myself under 28 U.S.C. § 455(a). (Doc. 96.) The purpose of this Order is to provide some factual information, state that there is no ground for recusal based on actual prejudice or conflict of interest, and provide the parties with the opportunity to file additional briefs, if they want, regarding the motion.

Under the provisions of 28 U.S.C. §455(a), a judge is required to recuse himself or herself "in any proceeding in which his impartiality might reasonably be questioned." The standard for recusal is an objective one, "whether [a] reasonable person knowing all of the surrounding circumstances, would consider the judge to be impartial." *United States v. Hurst*, 951 F.2d 1490, 1503 (6th Cir. 1991), *cert. denied*, 504 U.S. 915 (1992). Disagreement about the Court's ruling in a case is not a ground for disqualification or recusal. *Liteky v. United States*, 510 U.S. 540, 555-56 (1994); *Garver v. United States of America*, 846 F.2d 1029, 1031 (6th Cir.1988).

Plaintiff's motion is based on two facts. First, it asserts that I am "an adjunct faculty

member at Defendant /The Ohio State University's . . . Moritz College of Law . . . ."

Second, "in 2009, OSU/Moritz awarded Magistrate Abel the prestigious William K. Thomas Distinguished Jurist Award."

I graduated from OSU's Moritz College of Law in 1969. While it is true that over the years I have, occasionally, taught short, one credit hour courses at the Moritz College of Law, the last time I taught there was in May 2003. During that month, I taught a one credit hour course on motions practice. It was a two-week class that met on nine or ten weekday evenings for two hours at a time. The course materials are attached. In addition to class participation, the students' grades were based on ten page briefs that they wrote and I graded over the two weekends after I taught the course. I was paid \$1,000 for teaching the course. I have not taught at OSU since. I do not consider myself an adjunct professor at the Moritz College of Law. The Moritz College of Law website contains a faculty directory, at <http://moritzlaw.osu.edu/faculty/directory.php>. It lists Judge Sargus, whom Plaintiff identifies in his motion as an adjunct faculty member, as well as Judge Marbley, Magistrate Judges Kemp and King, and Judges Cole and Sutton of the Court of Appeals. I am not listed.

Over the years, I have acted as a judge for trial practice courses and moot court competitions at both Capital Law School and the Moritz College of Law. Until I went on recall status in January 2010, I had externs from Capital and Moritz (and occasionally other law schools) working in my chambers for course credit. I look at these activities and teaching, participating in CLE programs, bar organizations, and organizations such as the Inns of Court as part of the professional obligation of lawyers and judges to participate in

professional activities that seek to improve the practice of law and our judicial system. All of the activities described in this paragraph were unpaid, volunteer or associational activities.

In May 2009, I was a co-recipient of that year's William K. Thomas Distinguished Jurist Award given during the hooding ceremony at the Moritz College of Law. According to the material included in the hooding ceremony program, that award is given "to a current or former judge who has graduated from the college and whose personal integrity and commitment to fairness, freedom and equality exemplify the highest ideals of the judicial system. The award is presented by the Moritz College of Law Alumni Society." The award does not include a monetary stipend or require any future association with OSU. In fact, the hooding ceremony was my last visit to the Moritz College of Law.

If any party wants to file a brief regarding the application of 28 U.S.C. § 455(a) to these facts, they should do so on or before **February 15, 2012**.

s/Mark R. Abel  
United States Magistrate Judge